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Counsel for Defendant/Counterclaimant Martin Tripp

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,
Plaintiff,

vs.

MARTIN TRIPP, an individual,
Defendant.

MARTIN TRIPP, an individual,
Counterclaimant,

vs.

TESLA, INC., a Delaware corporation,
Counterdefendant.

Case No. 3:18-cv-00296-LRH-CBC

**STIPULATION FOR COURT ORDER
DIRECTING GOOGLE LLC TO
PRODUCE CERTAIN
COMMUNICATIONS**

Pursuant to Local Rule 7-1, Defendant/Counterclaimant Martin Allen Tripp ("Mr. Tripp") and Plaintiff/Counterdefendant Tesla, Inc. ("Tesla") submit the following Stipulation for Court Order Directing Google LLC to Produce Certain Communications. In support of and as good cause for this stipulation, the parties state that Tesla served a preservation subpoena on Google at the outset of this case. Rather than involving the Court with respect to issues concerning the Stored Communications Act, Mr. Tripp agreed to consent to Google producing information preserved by Google pursuant to the subpoena *provided that such information was first produced to his counsel for review*. Google has advised that it will produce the preserved information provided the Court enters the following findings and order.

For the foregoing reasons, the parties stipulate and respectfully request that the Court find and order as follows:

1. Mr. Tripp is the registered account holder and sole authorized user of a Google account associated with the Gmail address guitartripp@gmail.com ("Google Account").

2. Mr. Tripp consents to Google delivering and divulging the contents of the respective Google Account (including, without limitation, Gmail, Drive, Hangouts, Docs, Slides, and Sheets) as described further below. The court finds that this consent is sufficient pursuant to the Stored Communications Act 18 U.S.C § 2701 *et seq.*

3. Within three (3) days of the entry of this Order, counsel for Mr. Tripp will email to the user (guitartripp@gmail.com) a copy of this Order.

4. Within ten (10) days of the entry of this Order, Mr. Tripp shall send an email message from the user's Gmail account listed above to google-legal-support@google.com with this Order attached ("Consent Email"). The Consent Email shall state that the user consents to Google's disclosure of the documents and communications dated between October 1, 2017 and the present associated with the Google Account, which are in the Google Account, were recently deleted from the Google Account, or were preserved pursuant to the request(s) in this matter (the "Documents").

1 5. The Consent Email shall further state that the user consents to Google
2 delivering the Documents to Robert D. Mitchell, William M. Fischbach, and Christopher J.
3 Waznik of Tiffany & Bosco, P.A., 2525 E. Camelback Road, Suite 700, Phoenix, Arizona
4 85016.

5 6. Within ten (10) days of the receipt of the Consent Email, Google shall write or
6 otherwise record the Documents, to the extent any exist and are reasonably available, on a
7 separate compact disc (CD) or other fixed medium and mail via overnight courier to: Robert
8 D. Mitchell, William M. Fischbach, and Christopher J. Waznik of Tiffany & Bosco, P.A.,
9 2525 E. Camelback Road, Suite 700, Phoenix, Arizona 85016.

10 7. Google's production, as outlined in paragraph 6, will complete Google's
11 discovery obligation in this matter.

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1 DATED this 11th day of January, 2019.

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3 TIFFANY & BOSCO, P.A.

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5 By /s/ William M. Fischbach, III
6 William M. Fischbach, III
7 Counsel for Defendant/Counterclaimant

8 HUESTON HENNIGAN LLP

9
10 By /s/ Allison L. Libeu (with permission)
11 Allison L. Libeu
12 Counsel for Plaintiff/Counterdefendant

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14 **ORDER**

15 IT IS SO ORDERED

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18 The Honorable Carla Baldwin Carry
19 United States Magistrate Judge

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21 DATED: 1/15/2019
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CERTIFICATE OF SERVICE

I hereby certify and declare under penalty of perjury that on January 11, 2019, I electronically filed the foregoing with the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to all parties of record.

/s/ Kaleigh Peralta
